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Location : All Courts

REGISTER OF ACTIONS**CASE No. C-1981-12-I(A)**

FREDERICK DOBBINS AND MARIANN DOBBINS VS. GREAT NORTHERN
INSURANCE COMPANY §
§
§
§
§

Case Type: **Severance Case**
Date Filed: **01/29/2015**
Location: **398th District Court**

PARTY INFORMATION

Defendant **GREAT NORTHERN INSURANCE COMPANY**

Attorneys
JENNIFER GIBBINS DURBIN
Retained
210-734-7488(W)

Plaintiff **FREDERICK DOBBINS AND MARIANN
DOBBINS**

Stephen G. Nagle
Retained
512-480-0505(W)

EVENTS & ORDERS OF THE COURT

OTHER EVENTS AND HEARINGS

07/06/2012 **Petition**
ORIGINAL PETITION, FILED ON 07.06.12

08/06/2012 **Answer**

08/14/2012 **Special Exceptions**
DEFENDANT GREAT NORTHERN INSURANCE COMPANY'S SPECIAL EXCEPTIONS TO PLAINTIFF'S ORIGINAL PETITION, FILED/SP

08/28/2012 **Certificate of Written Discovery**
DEFENDANT'S CERTIFICATE OF WRITTEN DISCOVERY, FILED/SP

09/06/2012 **First Amended**
ORIINAL PETITION, FILED/SP

09/21/2012 **Certificate of Written Discovery**
FILED

09/21/2012 **Notice**
NOTICE OF TAX LIEN, FILED.

10/25/2012 **Order Filed**
AGREED ORDER ON PLAINTIFFS' MOTION FOR PROTECTIVE ORDER, E-FILED

11/01/2012 **Order Signed**
BY JDG. ASF; AGREED ORDER ON PLAINTIFFS' MOTION FOR PROTECTIVE ORDER; CGJ

11/08/2012 **Certificate of Written Discovery**
DEFENDANT CERTIFICATE OF WRITTEN DISCOVERY, FILED/SP

01/29/2015 **Order of Severance Signed (OCA)**

06/26/2015 **Tickler (8:00 AM)** (Judicial Officer Salinas Flores, Aida)
ABATED/STATUS

E COPY

C-1981-12-I
398TH DISTRICT COURT, HIDALGO COUNTY, TEXAS

CITATION

STATE OF TEXAS

NOTICE TO DEFENDANT: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty (20) days after you were served with this citation and petition, a default judgment may be taken against you.

GREAT NORTHERN INSURANCE COMPANY
CT CORPORATION SYSTEM
350 NORTH ST. PAUL STREET
DALLAS, TX 75201

You are hereby commanded to appear by filing a written answer to the **ORIGINAL PETITION** on or before 10:00 o'clock a.m. on the Monday next after the expiration of twenty (20) days after the date of service hereof, before the **Honorable Aida Salinas Flores, 398th District Court** of Hidalgo County, Texas at the Courthouse at 100 North Closner, Edinburg, Texas 78539.

Said petition was filed on the on this the 6th day of July, 2012 and a copy of same accompanies this citation. The file number and style of said suit being C-1981-12-I, **FREDERICK DOBBINS AND MARIANN DOBBINS**
VS.

JESSICA MARTINEZ, JESUS MARTINEZ AND GREAT NORTHERN INSURANCE COMPANY.

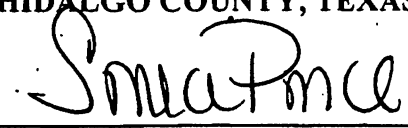
Said Petition was filed in said court by. **STEPHEN G. NAGLE, 1002 WEST AVE., FIRST FLOOR AUSTIN, TX 78701**

The nature of the demand is fully shown by a true and correct copy of the petition accompanying this citation and made a part hereof.

The officer executing this writ shall promptly serve the same according to requirements of law, and the mandates thereof, and make due return as the law directs.

ISSUED AND GIVEN UNDER MY HAND AND SEAL of said Court at Edinburg, Texas on this the 9th day of July, 2012.

LAURA HINOJOSA, DISTRICT CLERK
HIDALGO COUNTY, TEXAS


SONIA PONCE, DEPUTY CLERK

C-1981-12-I
OFFICER'S RETURN

Came to hand on 13 of July, 2012 at 10:19 o'clock 2 .m. and executed in Hidalgo County, Texas by delivering to each of the within named Defendant in person, a true copy of this citation, upon which I endorsed the date of delivery to said Defendant together with the accompanying copy of the petition at the following times and places, to-wit:

NAME	DATE	TIME	PLACE

And not executed as to the defendant, _____ the diligence used in finding said defendant, being: _____ and the cause of failure to execute this process is: _____ and the information received as to the whereabouts of said defendant, being: _____. I actually and necessarily traveled _____ miles in the service of this citation, in addition to any other mileage I may have traveled in the service of other process in the same case during the same trip.

Fees: serving ... copy(s) \$ _____
 miles\$ _____

DEPUTY

**COMPLETE IF YOU ARE PERSON OTHER THAN A SHERIFF,
 CONSTABLE OR CLERK OF THE COURT**

In accordance with Rule 107, the officer or authorized person who serves or attempts to serve a citation must sign the return. If the return is signed by a person other than a sheriff, constable or the clerk of the court, the return must either be verified or be signed under the penalty of perjury. A return signed under penalty of perjury must contain the statement below in substantially the following form:

"My name is _____, my date of birth is _____ and the address is _____, and I declare under penalty of perjury that the foregoing is true and correct.

EXECUTED in _____ County, State of Texas, on the _____ day of _____, 201____.

Declarant

If Certified by the Supreme Court of Texas
Date of Expiration / SCH Number



**Service of Process
Transmittal**

07/17/2012

CT Log Number 520876764

TO: Steve Jarnecic
Federal Insurance Company
2001 Bryan Street, Suite 3400
Dallas, TX 75201

RE: **Process Served in Texas**

FOR: Great Northern Insurance Company (Domestic State: IN)

ENCLOSED ARE COPIES OF LEGAL PROCESS RECEIVED BY THE STATUTORY AGENT OF THE ABOVE COMPANY AS FOLLOWS:

TITLE OF ACTION: Frederick Dobbins and Mariann Dobbins vs. Jessica Martinez, et al. including Great Northern Insurance Company

DOCUMENT(S) SERVED: Citation, Return, Original Petition

COURT/AGENCY: 398th Judicial District Court Hidalgo County, TX
Case # C1981121

NATURE OF ACTION: Insurance Litigation - Policy benefits claimed for personal injuries received as a result of a vehicle collision on July 13, 2010

ON WHOM PROCESS WAS SERVED: C T Corporation System, Dallas, TX

DATE AND HOUR OF SERVICE: By Certified Mail on 07/17/2012 postmarked on 07/13/2012

JURISDICTION SERVED : Texas

APPEARANCE OR ANSWER DUE: By 10:00 a.m. on the Monday next after the expiration of 20 days after you were served

ATTORNEY(S) / SENDER(S): Stephen G. Nagle
1002 West Avenue
First Floor
Austin, TX 78701
512-480-0505

ACTION ITEMS: CT has retained the current log, Retain Date: 07/17/2012, Expected Purge Date: 07/22/2012
Telephone, Steve Jarnecic , 214-754-8265
Image SOP
Email Notification, Steve Jarnecic sjarnecic@chubb.com
Email Notification, Jeff Golden jgolden@chubb.com
Email Notification, CT Corp ct_corp@chubb.com

SIGNED: C T Corporation System
PER: Amber Carrouth
ADDRESS: 350 North St Paul Street
Suite 2900
Dallas, TX 75201
TELEPHONE: 214-932-3601

Page 1 of 1 / SM

Information displayed on this transmittal is for CT Corporation's record keeping purposes only and is provided to the recipient for quick reference. This information does not constitute a legal opinion as to the nature of action, the amount of damages, the answer date, or any information contained in the documents themselves. Recipient is responsible for interpreting said documents and for taking appropriate action. Signatures on certified mail receipts confirm receipt of package only, not contents.

000002

CAUSE NO. C-1981-12-I**FREDERICK DOBBINS and
MARIANN DOBBINS**§
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§**IN THE DISTRICT COURT****VS.****398TH JUDICIAL DISTRICT****JESSICA MARTINEZ,
JESUS MARTINEZ and
GREAT NORTHERN
INSURANCE COMPANY****HIDALGO COUNTY, TEXAS****FIRST AMENDED ORIGINAL PETITION**

This is a suit for personal injury damages arising from the operation of motor vehicles.

1. PARTIES.

a. Plaintiff **FREDERICK DOBBINS** and **MARIANN DOBBINS** are husband and wife and residents of Connecticut.

b. Defendants **JESSICA MARTINEZ** and **JESUS MARTINEZ** have been served with process and Answered.

c. Defendant **GREAT NORTHERN INSURANCE COMPANY** (hereinafter "**GREAT NORTHERN**") is an insurance company that has been served with process and Answered. For purposes of this lawsuit, **GREAT NORTHERN** is considered a citizen of the same state as Plaintiff. 28 U.S.C. 1332 (c).

2. **VENUE.** Venue is proper in Hidalgo County as the incident made the basis of this action occurred in Hidalgo County, Texas. Texas Civ. Prac. & Rem. Code, Sec. 15.002 (a) (1).

3. **DISCOVERY.** All discovery in this cause of action will be conducted under Level 2 discovery rules as defined in Rule 190.3, Texas Rules of Civil Procedure.

4. **FACTS.**

a. On or about July 13, 2010, a vehicle driven by Defendant **JESSICA MARTINEZ** and owned by Defendant, **JESUS MARTINEZ** collided with a vehicle in which Plaintiff **FREDERICK DOBBINS** was a passenger. The collision occurred at or near the 2400 block of FM 1016, a location in Mission, Hidalgo County, Texas.

b. On the date of the incident made the basis of this lawsuit, **GREAT NORTHERN INSURANCE COMPANY** provided insurance coverage for the vehicle in which Plaintiff was a passenger. The policy included Underinsured Motorist (UIM) coverage. **JESSICA MARTINEZ** and **JESUS MARTINEZ** are or will become underinsured motorists within the meaning of the **GREAT NORTHERN** policy. All premiums due on the **GREAT NORTHERN** policy had been paid, the policy was in full force and effect on that date, and all conditions of coverage have been met.

5. **CAUSES OF ACTION.**

a. At the time and on the occasion in question Defendant **JESSICA MARTINEZ** failed to use ordinary care by various acts and omissions, including, but not limited to, turning left without signaling, failing to timely apply her brakes, operating her vehicle at an unsafe speed under the circumstances, failing to keep a proper lookout, failing to yield the right of way, and other acts and omissions, each and all of which were negligence or negligence per se (Trans. Code Sec. 541.458, 545.151 and 545.152) and a proximate cause of injuries and damages to Plaintiff.

b. Defendant **JESUS MARTINEZ** knew or should have known that Defendant **JESSICA MARTINEZ** was an unlicensed driver, as well as an incompetent and/or reckless driver either generally or on the occasion in question. Nevertheless, Defendant **JESUS MARTINEZ** entrusted the vehicle to Defendant **JESSICA MARTINEZ**. This was negligence and a proximate

cause of the collision and Plaintiff's injuries.

c. Under the contract of insurance, **GREAT NORTHERN** is responsible for those damages up to its policy limits, after deducting the payments that have been made or will be made by the insurer for **JESSICA MARTINEZ** and **JESUS MARTINEZ**. Plaintiff seeks a declaration of the rights of the parties under the policy of insurance, pursuant to Sec. 37.001, *et seq.*, TEXAS CIV. PRAC. & REM. CODE, and otherwise seeks the benefits due to her under the policy of insurance.

6. **DAMAGES.** Plaintiff **FREDERICK DOBBINS** has sustained damages, and will in reasonable probability sustain damages in the future, of the following kinds: medical care; physical pain and suffering; mental anguish; loss of physical capacity including loss of enjoyment of life; and loss of earning capacity. Plaintiff **MARIANN DOBBINS** has sustained and will in reasonable probability in the future sustain damages including loss of consortium and loss of household services. Plaintiffs do not presently know exactly how much the total of their damages will be in monetary terms. However, in order to satisfy the Texas Rules of Civil Procedure, Plaintiffs say that, at present, they do not seek more than the insurance policy limits available under the terms of the liability and underinsured motorist coverages of the policies applicable to this collision. While Plaintiff's total damages probably exceed \$1,500,000.00, in this lawsuit Plaintiffs seek only the \$25,000.00 available under the liability insurance policy that covers the Martinez defendants and the \$1,000,000.00 that is the UIM coverage available under the Great Northern policy.

7. **PRAYER.** WHEREFORE, PREMISES CONSIDERED, Plaintiffs requests that on final hearing Plaintiffs have judgment against Defendants for an amount within the jurisdictional limits of this Court, as well as pre-judgment and post-judgment interest, costs of court, and for such other and further relief to which Plaintiff may be justly entitled.

Respectfully submitted,

STEPHEN G. NAGLE
1002 West Avenue, First Floor
Austin, Texas 78701
(512) 480-0505 - Telephone
(512) 480-0571 - Facsimile

**Stephen
G. Nagle**

Digitally signed by Stephen G.
Nagle
DN: cn=Stephen G. Nagle,
o=Stephen Nagle And Assoc., ou,
email=sgnagle@attglobal.net,
c=US
Date: 2012.09.06 13:43:53 -05'00'

By:

STEPHEN G. NAGLE, SBN 14779400
ATTORNEY FOR PLAINTIFF

CERTIFICATE OF SERVICE

By my signature above, I hereby certify that a true and correct copy of the foregoing document has been forwarded by *facsimile transmission*, to the following on this the 6th day of September, 2012:

Jennifer Gibbins Durbin
Allen, Stein & Durbin, P.C.
6243 L.H. 10 West, 7th Floor
P.O. Box 101507
San Antonio, Texas 78201
ATTORNEY FOR DEFENDANT
GREAT NORTHERN INSURANCE COMPANY
(210) 738-8038 facsimile

Martina Meritz
Paul Garcia & Associates
4801 NW. Loop 410, Suite 525
San Antonio, Texas 78229
ATTORNEY FOR DEFENDANTS
JESSICA AND JESUS MARTINEZ
(210) 340-4073 facsimile

AUG 08 2012

CAUSE NO. C-1981-12-I

FREDERICK DOBBINS AND
MARIANN DOBBINS

VS.

JESSICA MARTINEZ,
JESUS MARTINEZ AND
GREAT NORTHERN INSURANCE
COMPANY

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IN THE DISTRICT COURT

398TH JUDICIAL DISTRICT

2321165

HIDALGO COUNTY, TEXAS

***ORIGINAL ANSWER OF DEFENDANT GREAT NORTHERN
INSURANCE COMPANY***

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES GREAT NORTHERN INSURANCE COMPANY, one of the Defendants in the above-styled and numbered cause, and files its *Original Answer to Plaintiffs' Original Petition* and respectfully shows the Court the following:

I.

Defendant GREAT NORTHERN INSURANCE COMPANY admits it issued an automobile policy of insurance to HCP Packaging USA, Inc., identified as policy no. 73560066. Said policy was in effect on the date of the accident in question (July 13, 2010).

II.

Defendant GREAT NORTHERN INSURANCE COMPANY intends to comply with the terms and conditions of the policy sued on, and agrees to pay to Plaintiffs those monies which Plaintiffs are legally entitled to recover as covered damages and as determined by the Court and jury. Defendant GREAT NORTHERN INSURANCE COMPANY specifically does not agree to waive any right it has under the policy of insurance sued on herein and insists on its rights as contained in said policy, including the conditions and exclusions contained therein.

VI.

Defendant GREAT NORTHERN INSURANCE COMPANY affirmatively pleads and specially alleges that Plaintiff Frederick Dobbins' recovery for past medical expenses, if any, is limited and/or reduced pursuant to §41.0105 of the Texas Civil Practice and Remedies Code.

VII.

Defendant GREAT NORTHERN INSURANCE COMPANY affirmatively pleads and specially alleges that Plaintiff Frederick Dobbins' recovery for loss of earning/loss of earning capacity, if any, is limited and/or reduced pursuant to §18.091 of the Texas Civil Practice and Remedies Code.

VIII.

Defendant GREAT NORTHERN INSURANCE COMPANY affirmatively pleads and alleges that Plaintiff's claimed injuries are the result, either in whole or in part, of a pre-existing condition which is the cause, either in whole or in part, of Plaintiff's claimed damages.

IX.

Defendant GREAT NORTHERN INSURANCE COMPANY affirmatively pleads and alleges that Plaintiffs' request for declaratory judgment is improper as there is no justiciable issue to be determined.

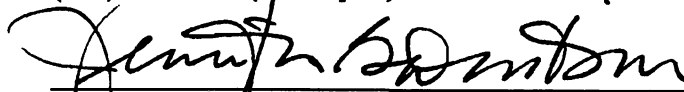
X.

Subject to the admissions made above, Defendant GREAT NORTHERN INSURANCE COMPANY generally denies the allegations contained in *Plaintiffs' Original Petition* and any amendments thereto, and demands strict proof thereof by a preponderance of the credible and believable testimony and evidence.

WHEREFORE, PREMISES CONSIDERED, Defendant GREAT NORTHERN INSURANCE COMPANY prays that the Court enter judgment in conformance with the fact and law findings of the Court and jury and in conformance with the relief requested herein, and that if the judgment of the Court is appropriate, Defendant GREAT NORTHERN INSURANCE COMPANY recover its costs of court, and for all other and further relief to which Defendant GREAT NORTHERN INSURANCE COMPANY is justly entitled whether at law or in equity.

Respectfully submitted,

ALLEN, STEIN & DURBIN, P.C.
6243 I.H. 10 West, 7th Floor
P.O. Box 101507
San Antonio, Texas 78201
(210) 734-7488 (Telephone)
(210) 738-8036 (Telecopier)



JENNIFER GIBBINS DURBIN
State Bar No. 07840500
jdurbin@asdh.com


CLAY W. MORGAN
State Bar No. 24041526
cmorgan@asdh.com

**ATTORNEYS FOR DEFENDANT
GREAT NORTHERN INSURANCE COMPANY**

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the above and foregoing *Original Answer of Defendant Great Northern Insurance Company* was this 3rd day of August, 2012, forwarded via facsimile to:

Mr. Stephen G. Nagle
1002 West Avenue, First Floor
Austin, Texas 78701


JENNIFER GIBBINS DURBIN

VERIFICATION

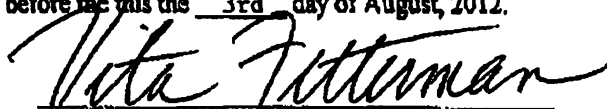
STATE OF TEXAS §

COUNTY OF HARRIS §

BEFORE ME, the undersigned authority, on this day personally appeared ADRIENNE BILBREY, known to me to be the person whose name is subscribed to the foregoing instrument, who after being duly sworn, on her oath, deposed and says that the factual information contained in paragraph IV of Original Answer of Defendant Great Northern Insurance Company is true and correct.


ADRIENNE BILBREY

SUBSCRIBED AND SWORN to before me this the 3rd day of August, 2012.


NOTARY PUBLIC - STATE OF TEXAS
Vita Fetterman
MY COMMISSION EXPIRES: 8/1/13

0992315/2331 127/ja



CAUSE NO. C-1981-12-I

FREDERICK DOBBINS, MARIANN DOBBINS	§	IN THE DISTRICT COURT OF
	§	
	§	
VS.	§	HIDALGO COUNTY, TEXAS
	§	
JESSICA MARTINEZ, JESUS MARTINEZ, GREAT NORTHERN INSURANCE COMPANY	§	
	§	
	§	398 TH JUDICIAL DISTRICT

COURT SCHEDULING ORDER

BE IT REMEMBERED that on this 12th day of March, 2014 a Docket Control Conference was held in the above entitled and numbered cause. Telephonic appearances were made by Steve Nagle, Martina Meritz and Clay Morgan.

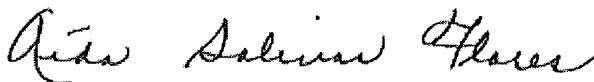
The following was ordered by the Court:

- A. First Pre-Trial upon request
- B. **Final Pre-Trial Conference is set for the 5th day of February, 2015 at 8:30 a.m.**
 - ALL MOTIONS IN LIMINE SHALL BE FILED AND HEARD AT FINAL PRE-TRIAL
 - EACH SIDE SHALL SUBMIT THEIR REQUESTED SPECIAL ISSUES AS WELL AS A COPY OF THEIR LIVE PLEADINGS ON FINAL PRE-TRIAL DATE OR IMMEDIATELY PRIOR TO TRIAL.
- C. The deadline for completion of all discovery including supplementation are pursuant to the local rules as agreed by parties:
Plaintiff: January 9, 2015
Defendant: January 9, 2015
- D. The deadline for supplemental and amended pleadings are pursuant to the local rules as agreed by parties:
Plaintiff: January 2, 2015
Defendant: January 9, 2015
- E. The deadline for joinder of additional parties is pursuant to the local rules as agreed by parties:
Plaintiff: January 2, 2015
Defendant: January 9, 2015
- F. **Each side shall file a proposed Jury Charge with the clerk of the court and e-mail it to Shana Lively at *shana.lively@co.hidalgo.tx.us* by January 30, 2015.**

- G. Mediation is hereby ordered to be conducted no later than **January 9, 2015**, thirty days before trial date. **This is mandatory.**
- H. Joint Pre-Trial order approved as to form by all attorneys shall be filed no later than the final Pre-Trial conference.
- I. **The case is set for Jury Trial on the 9th day of February, 2015 at 8:30 a.m.**
- J. The case is estimated to last 5 days.
- K. **Telephonic Conference is set for the 9th day of October, 2014 at 11:15 a.m.**
Plaintiff shall initiate phone conference.
- L. The case is set before Jury Trial, provided the jury fee is timely paid.
- M. Deadline for Designation of Experts and TRCP 194.2 (f) information are pursuant to the local rules as agreed by parties:
Plaintiff: November 11, 2014
Defendant: December 11, 2014
Unless otherwise the subject of a Rule 11 agreement.
- N. Any Daubert/Robinson motion, challenge or objection shall be filed no later than 8:30 a.m. on February 5, 2015, the day of Final Pre-Trial.

At this time of this order and by written agreement of the parties in compliance with T.R.C.P. 11, we have no conflict in our schedules.

Signed this 18th day of March, 2014.



Aida Salinas Flores, Presiding Judge

cc: Court's file

Hon. Steve Nagle; Fax (512)480-0571; email: sgnagle@lawyernagle.com

Hon. Martina Meritz; Fax (210)340-4073; email: mmeritz@pgtxlaw.com

Hon. Clay Morgan; Fax (210)738-8036; email: cmorgan@asdh.com

CAUSE NO. C-1981-12-I

FREDERICK DOBBINS, MARIANN § IN THE DISTRICT COURT OF
DOBBINS §
§
VS. § HIDALGO COUNTY, TEXAS
§
JESSICA MARTINEZ, JESUS MARTINEZ §
GREAT NORTHERN INS. COMPANY § 398TH JUDICIAL DISTRICT

COURT SCHEDULING ORDER

BE IT REMEMBERED that on this 15th day of October, 2014 a Docket Control Conference was held in the above entitled and numbered cause. Telephonic appearances were made by Stephen Nagle, Clay Morgan and Martina Meritz.

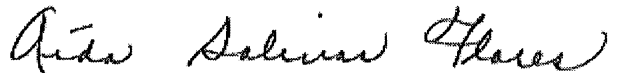
The following was ordered by the Court:

- A. First Pre-Trial upon request
- B. **Final Pre-Trial Conference is set for the 30th day of April, 2015 at 8:30 a.m.**
 - ALL MOTIONS IN LIMINE SHALL BE FILED AND HEARD AT FINAL PRE-TRIAL
 - EACH SIDE SHALL SUBMIT THEIR REQUESTED SPECIAL ISSUES AS WELL AS A COPY OF THEIR LIVE PLEADINGS ON FINAL PRE-TRIAL DATE OR IMMEDIATELY PRIOR TO TRIAL.
- C. The deadline for completion of all discovery including supplementation are pursuant to the local rules as agreed by parties:
 - Plaintiff: April 3, 2015
 - Defendant: April 3, 2015
- D. The deadline for supplemental and amended pleadings are pursuant to the local rules as agreed by parties:
 - Plaintiff: March 27, 2015
 - Defendant: April 3, 2015
- E. The deadline for joinder of additional parties is pursuant to the local rules as agreed by parties:
 - Plaintiff: March 27, 2015
 - Defendant: April 3, 2015
- F. **Each side shall file a proposed Jury Charge with the clerk of the court and e-mail it to Shana Lively at shana.lively@co.hidalgo.tx.us by April 24, 2015.**

- G. Mediation is hereby ordered to be conducted no later than **April 3, 2015**, thirty days before trial date. **This is mandatory.**
- H. Joint Pre-Trial order approved as to form by all attorneys shall be filed no later than the final Pre-Trial conference.
- I. **The case is set for Jury Trial on the 4th day of May, 2015 at 8:30 a.m.**
- J. The case is estimated to last 5 days.
- K. **Telephonic Conference is set for the 13th day of January, 2014 at 11:15 a.m.**
Plaintiff shall initiate phone conference.
- L. The case is set before Jury Trial, provided the jury fee is timely paid.
- M. Deadline for Designation of Experts and TRCP 194.2 (f) information are pursuant to the local rules as agreed by parties:
Plaintiff: February 3, 2015
Defendant: March 5, 2015
Unless otherwise the subject of a Rule 11 agreement.
- N. Any Daubert/Robinson motion, challenge or objection shall be filed no later than 8:30 a.m. on April 30, 2015, the day of Final Pre-Trial.

At this time of this order and by written agreement of the parties in compliance with T.R.C.P. 11, we have no conflict in our schedules.

Signed this 21st day of October, 2014.


Aida Salinas Flores, Presiding Judge

cc: Court's file

Hon. Stephen Nagle email: sgnagle@lawyernagle.com
Hon. Clay Morgan email: cmorgan@asdh.com
Hon. Martina Meritz email: mmeritz@pgtxlaw.com

Filed
12 October 25 P12:54
Laura Hinojosa
District Clerk
Hidalgo District

CAUSE NO. C-1981-12-I

FREDERICK DOBBINS AND	§	IN THE DISTRICT COURT
MARIANN DOBBINS	§	
	§	
VS.	§	398 TH JUDICIAL DISTRICT
	§	
JESSICA MARTINEZ,	§	
JESUS MARTINEZ AND	§	
GREAT NORTHERN INSURANCE	§	
COMPANY	§	HIDALGO COUNTY, TEXAS

AGREED ORDER
ON PLAINTIFFS' MOTION FOR PROTECTIVE ORDER

On this day, the court heard Plaintiffs' Motion for Protective Order. Having considered the Motion, the pleadings on file, and the agreement of the attorneys for the Parties, the court makes the following rulings:

Defendant GREAT NORTHERN INSURANCE COMPANY and its agent, the records service KIM TINDALL & ASSOCIATES, L.L.C., are hereby ORDERED to secure the records sought from FITZHUGH PANNILL, MD, DAVID B. COHEN, MD, WATERBURY HOSPITAL, DIAGNOSTIC IMAGING OF SOUTHBURY, NAUGATUCK VALLEY RADIOLOGY, and HCP PACKAGING USA, INC. under seal, and to deliver a copy to the counsel for Plaintiff, Stephen Nagle. No copy is to be delivered to counsel for any Defendant until the procedures outlined below have been completed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs' counsel may, within fourteen (14) days of the date of delivery of each batch of records, make objections or assert privileges to the production of specific pages or parts of pages of the batch of records so delivered, and, if any such objections or assertions of privilege are made, shall create and serve on

counsel for Defendants and KIM TINDALL & ASSOCIATES, L.L.C. a privilege log. Any such privilege log shall specify the objections or privileges asserted, and comply with the requirements of Rule 193.3(b)(1) and (2).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that after the expiration of seven (7) days after receipt of the records, the record retrieval company, KIM TINDALL & ASSOCIATES, L.L.C., may deliver to counsel for Defendants all those records to which no objection has been made or privilege asserted, and shall not deliver to counsel for Defendants copies of those records to which objection has been made or privilege asserted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, in the event that counsel for any Defendant wishes the Court to rule on any of the objections or privileges asserted, any Defendant may seek by written motion a ruling on such objections.

SIGNED THIS 1 DAY OF OCTOBER, 2012.


JUDGE, 398th JUDICIAL DISTRICT COURT

APPROVED AS TO FORM:

STEPHEN G. NAGLE
1002 West Avenue, First Floor
Austin, Texas 78701
(512) 480-0505 - Telephone
(512) 480-0571 - Facsimile

By: 

STEPHEN G. NAGLE, SBN 14779400
ATTORNEY FOR PLAINTIFF

MS. JENNIFER GIBBINS DURBIN
MR. CLAY MORGAN
ALLEN, STEIN & DURBIN, P.C.
6243 I.H. 10 West, 7th Floor
P.O. Box 101507
San Antonio, Texas 78201

By: 

JENNIFER GIBBINS DURBIN, SBN 07840500
ATTORNEY FOR DEFENDANT
GREAT NORTHERN INSURANCE COMPANY

MS. MARTINA MERITZ
Paul Garcia & Associates
4801 NW. Loop 410, Suite 525
San Antonio, Texas 78229

By: _____

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ATTORNEY FOR DEFENDANTS
JESSICA AND JESUS MARTINEZ

OCT-18-2012 13:23 From:Paul Garcia & Asso. 2103404073

To:512480571

Page:4/4

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Filed
12 November 7 A11:21
Laura Hinojosa
District Clerk
Hidalgo District

CAUSE NO. C-1981-12-I

FREDERICK DOBBINS AND
MARIANN DOBBINS

VS.

JESSICA MARTINEZ,
JESUS MARTINEZ AND
GREAT NORTHERN INSURANCE
COMPANY

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IN THE DISTRICT COURT

398TH JUDICIAL DISTRICT

HIDALGO COUNTY, TEXAS

AGREED ORDER
ON PLAINTIFFS' MOTION FOR PROTECTIVE ORDER

On this day, the court heard Plaintiffs' Motion for Protective Order. Having considered the Motion, the pleadings on file, and the agreement of the attorneys for the Parties, the court makes the following rulings:

Defendants JESSICA MARTINEZ and JESUS MARTINEZ and its agent, the records service ABI DOCUMENT SUPPORT SERVICES, are hereby ORDERED to secure the records sought from PROSPECT DIAGNOSTIC IMAGING, STONE RIVER PHARMACY SOLUTIONS, ALIGN NETWORKS, DIAGNOSTIC IMAGING OF SOUTHBURY, BRIAN BAKER, D.C., and STEPHEN SIEGEL, M.D. under seal, and to deliver a copy to the counsel for Plaintiff, Stephen Nagle. No copy is to be delivered to counsel for any Defendant until the procedures outlined below have been completed.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Plaintiffs' counsel may, within fourteen (14) days of the date of delivery of each batch of records, make objections or assert privileges to the production of specific pages or parts of pages of the batch of records so delivered, and, if any such objections or assertions of privilege are made, shall create and serve on

counsel for Defendants and ABI DOCUMENT SUPPORT SERVICES a privilege log. Any such privilege log shall specify the objections or privileges asserted, and comply with the requirements of Rule 193.3(b)(1) and (2).

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that after the expiration of seven (7) days after receipt of the records, the record retrieval company, ABI DOCUMENT SUPPORT SERVICES, may deliver to counsel for Defendants all those records to which no objection has been made or privilege asserted, and shall not deliver to counsel for Defendants copies of those records to which objection has been made or privilege asserted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, in the event that counsel for any Defendant wishes the Court to rule on any of the objections or privileges asserted, any Defendant may seek by written motion a ruling on such objections.

SIGNED THIS 15 DAY OF NOVEMBER, 2012.


JUDGE, 398th JUDICIAL DISTRICT COURT

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ORIGINAL
Filed
13 April 29 A10:18
Laura Hinojosa
District Clerk
Hidalgo District
VB

No. C-1981-12-I

FREDERICK DOBBINS and
MARIANN DOBBINS

VS.

JESSICA MARTINEZ, JESUS
MARTINEZ and GREAT NORTHERN
INSURANCE COMPANY

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IN THE DISTRICT COURT

398TH JUDICIAL DISTRICT

HIDALGO COUNTY, TX

ORDER RESETTING HEARING

The Motion to Sever and Abate previously filed and currently set for hearing at 8:30 a.m.,
on the 15th day of May, 2013, in the 398th Judicial District Court of Hidalgo County is hereby

RESET to 8:30 o'clock a.m., on the 5th day of June, 2013, in the

398th Judicial District Court of Hidalgo County. *Signed this 7 day May, 2013.*

[Signature]
JUDGE PRESIDING

CC:

STEPHEN G. NAGLE
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JENNIFER G. DURBIN
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KRISHNA REDDY
4801 NW Loop 410, Ste. 525
San Antonio, TX 78229
210.340.18187
210.3404073 fax

It is further ordered by the
Court, Defendant shall
deliver to all parties instantner, a
signed copy of this order

563182475

03:13:21 p.m. 06-06-2013

1/1

Jun. 5. 2013 8:08AM Paul Garcia, LLP

No. 0602 P. 2

No. C-1981-12-I

FREDERICK DOBBINS and
MARIANN DOBBINS

VS.

JESSICA MARTINEZ, JESUS
MARTINEZ and GREAT NORTHERN
INSURANCE COMPANY

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IN THE DISTRICT COURT

398TH JUDICIAL DISTRICT

HIDALGO COUNTY, TX

ORDER RESETTING HEARING

The Motion to Sever and Abate previously filed and currently set for hearing at 8:30 a.m.,
on the 5th day of June, 2013, in the 398th Judicial District Court of Hidalgo County is hereby

RESET to 8:30 o'clock a.m., on the 23rd day of August, 2013, in the

398th Judicial District Court of Hidalgo County. *Signed this the 6 day of June, 2013.*

Adrian Arce
JUDGE PRESIDING

CC:

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KRISHNA REDDY
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San Antonio, TX 78229
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210.340.4073 fax

It is further ordered by the
Court, Movant shall
deliver to all parties instantler, a
signed copy of this order

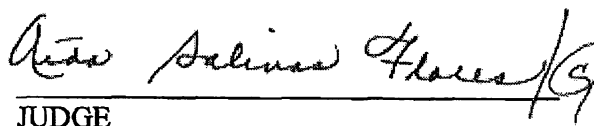
CAUSE NO. C-1981-12-I

FREDERICK DOBBINS AND	§	IN THE DISTRICT COURT
MARIANN DOBBINS	§	
	§	
VS.	§	398 TH JUDICIAL DISTRICT
	§	
JESSICA MARTINEZ,	§	
JESUS MARTINEZ AND	§	
GREAT NORTHERN INSURANCE	§	
COMPANY	§	HIDALGO COUNTY, TEXAS

ORDER SETTING HEARING (TELEPHONIC)

Defendant Great Northern Insurance Company's Motion for Discovery Control Plan, having been previously presented to me, the undersigned presiding judge, and it appearing to the Telephonic Court that a hearing is necessary, same is hereby set for hearing before the 398th District Court, Hidalgo County Courthouse, Edinburg, Texas, on the 11th day of February, 2014, at 2:00 o'clock P.m. Movant shall initiate phone conference.

SIGNED AND RENDERED THIS 22nd day of January, 2014.


 JUDGE

1146839/2331 165/CWM/wja

CAUSE NO. C-1981-12-I

FREDERICK DOBBINS AND
MARIANN DOBBINS§
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IN THE DISTRICT COURT

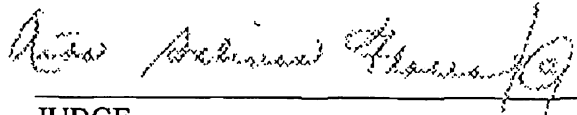
VS.

398TH JUDICIAL DISTRICTJESSICA MARTINEZ,
JESUS MARTINEZ AND
GREAT NORTHERN INSURANCE
COMPANY

HIDALGO COUNTY, TEXAS

ORDER RESETTING HEARING

Defendant Great Northern Insurance Company's Motion for Discovery Control Plan, having been previously presented to me, the undersigned presiding judge, and it appearing to the Court that a hearing is necessary, same is hereby set for Telephonic hearing before the 398th District Court, Hidalgo County Courthouse, Edinburg, Texas, on the 12th day of March, 2014, at 2:00 o'clock P.m.

SIGNED AND RENDERED THIS 12th day of February, 2014.


JUDGE

Send Copies To:

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Ms. Jennifer Gibbins Durbin
Mr. Clay W. Morgan
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#1157744/2331 165/CWM/wja

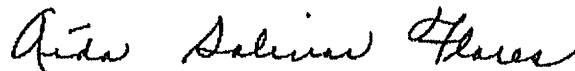
No. C-1981-12-I**FREDERICK DOBBINS and
MARIANN DOBBINS****VS.****JESSICA MARTINEZ, JESUS
MARTINEZ and GREAT NORTHERN
INSURANCE COMPANY**§
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§**IN THE DISTRICT COURT****398TH JUDICIAL DISTRICT****HIDALGO COUNTY, TEXAS****ORDER ON MOTION TO SEVER AND ABATE**

CAME TO BE HEARD, this 23rd day of August 2013, Defendants JESSICA MARTINEZ AND JESUS MARTINEZ' Motion to Sever and Abate. After considering the Motion and other evidence on file, the Court GRANTS the Motion to Sever and Abate.

IT IS FURTHER ORDERED that the case between FREDERICK DOBBINS AND MARIANN DOBBINS v. JESSICA MARTINEZ, JESUS MARTINEZ, AND GREAT NORTHERN INSURANCE COMPANY is hereby severed. The severed cause is now designated as Cause No. C-1981-12-I(A) and styled FREDERICK DOBBINS AND MARIANN DOBBINS v. GREAT NORTHERN INSURANCE COMPANY.

IT IS FURTHER ORDERED that the matter FREDERICK DOBBINS AND MARIANN DOBBINS v. ~~JESSICA MARTINEZ, JESUS MARTINEZ, AND~~ GREAT NORTHERN INSURANCE COMPANY is abated until a judgment has been entered in Cause No. C-1981-12-I between FREDERICK DOBBINS AND MARIANN DOBBINS v. JESSICA MARTINEZ AND JESUS MARTINEZ.

SIGNED on this 29th day of January, 2015.


PRESIDING JUDGE